

1634



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Patent
Attorney Docket: 249/127

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Dr. Paddy Jim Baggot

Serial No.: 09/499,006

Filed: February 4, 2000

For: TREATMENT OF CHROMOSOMAL
ABNORMALITIES IN FETUSES THROUGH
A COMPREHENSIVE METABOLIC
ANALYSIS OF AMNIOTIC FLUID

Group Art Unit: 1634

Examiner: Diana B. Johannsen

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TRANSMITTAL LETTER

Commissioner for Patents
Washington, D.C. 20231

Sir:

Enclosed herewith is a Response to Election/Restriction Requirement and Supplemental Record
of Substance of Interview in reference to the above-identified case.

Respectfully submitted,

LYON & LYON LLP

Dated: March 15, 2002

By: 

Polaphat Veravanich
Reg. No. 45,179

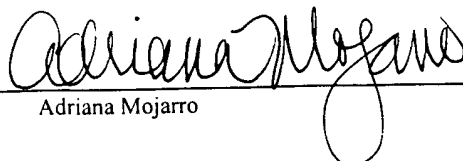
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OC-105958.1

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Adriana Mojarro



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#13/ Election
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PATENT
249/127 802

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**RESPONSE TO ELECTION/RESTRICTION REQUIREMENT AND SUPPLEMENTAL
RECORD OF SUBSTANCE OF INTERVIEW**

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Election/Restriction Requirement mailed February 26, 2002, Applicant elects without traverse Group II. Applicant also provisionally elects the species of claim 23, the

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claims readable thereon being generic claim 15, generic claim 21, and species claim 23. Claims 17, 18, 19, and 20 are also readable upon the elected claims.

Additionally, Applicant notes that the Interview Summary provided by the Examiner is accurate. Because the Examiner did not check the box on form PTO-413 dated October 10, 2001, indicating that Applicant did not need to provide a separate record of the interview, Applicant provides the following record of the substance of the interview of October 10, 2001.

On October 10, 2001, a telephonic interview was conducted involving Examiner Diana Johannsen, Applicant Paddy Jim Baggot, and Applicant's representative, Paul Veravanich. All of the then pending claims were discussed, as well as a reference by Galjaard (Bailliere's Clin. Obst. Gyn. 1(3): 547-567 [9/1987]). Proposed amendments to the then pending claims were discussed, but Examiner Johannsen indicated that the scope of the claims was still unclear to her. Mr. Veravanich noted that one embodiment of the application is directed to methods of comparing patterns of metabolite levels in normal individuals with patterns of metabolite levels in individuals known to have a chromosomal abnormality, and using that comparison to identify the presence of a chromosomal abnormality in a patient. Dr. Baggot explained that the invention is generally directed to a method that requires detection of a plurality of metabolites in order to provide a comprehensive picture of the state of a patient, and that the comprehensive picture is usable to diagnose the presence of a chromosomal abnormality in the patient. Examiner Johannsen noted that claims drawn to the detection of particular, novel combinations of metabolites, such as, e.g., the combination of claim 4, as indicators of Down Syndrome could be considered after final, and might be allowable pending an updated search. Examiner Johannsen further noted that claims requiring detection of a particular number of metabolites would require a search of each possible combination to determine novelty and nonobviousness. Agreement was not reached with respect to the claims.

In addition to providing the preceding summary of the interview of October 10, 2001,
Applicant incorporates by reference the Examiner's Interview Summary dated October 10, 2001.

Respectfully submitted,
LYON & LYON LLP

Dated: 3/15/02

By: Paul Orain
Polaphat Veravanich
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